FILE: INCOMING TELEX A VM/SP CONVERSATIONAL MONITOR SYSTEM

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PWI JIR226 IN 27/08:21 OUT 27/08:26

952605 FTRU CH

NEUCHATEL, JULY 27, 1987 - BLA

ATTN : MR. L. POLLAK - LEGAL, 120 PARK
CC : MR. F.H. DULLES - LEGAL, COUR

BARCLAY PATENTS - SWITZERLAND - NOTICE TO B+W

THANK YOU FOR YOUR LETTER OF JULY 22, 1987.

TODAY, I HAVE SPOKEN WITH DR. DAVID IN ZURICH ON SUBJECT OF GIVING B+W PRIOR NOTICE OF OUR PENDING ACTION. HE SUGGESTS THAT UNDER NORMAL SWISS PRACTICE THERE IS NO REQUIREMENT TO GIVE SUCH A NOTICE. HOWEVER, SHOULD WE WISH TO DO SO, THERE ARE TWO POSSIBILITIES OF ACTING BEFORE THE LEGAL PAPERS ARE FILED IN THE ZURICH COURT :

1.) FTR WRITES A FORMAL LETTER TO THE B+W MANAGEMENT TO VOLUNTARILY CANCEL THE THREE PATENTS

2.) DR. DAVID WRITES A FORMAL LETTER TO THE B+W REPRESENTATIVE IN ZURICH

PLEASE ADVISE WHICH POSSIBILITY YOU PREFER.

WE HAVE PREPARED THE NULLITY ACTION FOR THE COURT IN ZURICH BECAUSE THE B+W REPRESENTATIVE IS LOCATED THERE. IN MY OPINION, THERE IS A CERTAIN DANGER IN ACTING AS MENTIONED UNDER OPTION 2). THE DANGER IS THAT B+W MIGHT CHANGE THEIR REPRESENTATION FROM ZURICH TO ANOTHER CANTON, AS A RESPONSE TO GETTING A FORMAL LETTER FROM DR. DAVID. IN THAT CASE, WE WOULD HAVE TO PREPARE NEW DOCUMENTS FOR THE NULLITY PROCEEDINGS TO TAKE PLACE IN THE OTHER CANTON, IE. THE CANTON OF THEIR CHOICE.

AS FAR AS WE ARE CONCERNED, THE NULLITY PAPERS CAN BE FILED AS SOON AS WE HAVE YOUR REACTION.

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Source: https://www.industrydocuments.ucsf.edu/docs/xpdb0003

PLEASE NOTE THAT DR. DAVID WILL NOT BE AVAILABLE AS FROM

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AUGUST 1 TO AUGUST 15, 1987.

BEST REGARDS,
JACK MANDIRATTA

952605 FTRU CH

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